THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4446 OF 2006

09.08.2006

Between:

K.Chandra Prakash, S/o.Kistaiah
And others

… Petitioners

AND

The Joint Collector, Ranga Reddy District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4446 OF 2006

ORDER:

Respondents 4 to 8 were the owners of the land admeasuring Acs.5.00 in survey No.57 to 59 situated at Kokapet Village of Rajendranagar Mandal in Ranga Reddy District. It is the case of the petitioners that these respondents sold the land to Naresh Shinde and Harshal Pramod Shinde under two registered sale deeds dated 08.5.1987. In turn these two persons executed to registered sale deeds in favour of the petitioners, one on 14.9.1989 and another on 16.9.1989. After purchase of the property, the petitioners approached the Mandal Revenue Officer, Rajendranagar Mandal (MRO), third respondent herein, who by order dated 06.12.1991 directed necessary mutation in favour of the petitioners in the revenue records. Then the petitioners entered into registered development agreement dated 14.10.1995 with M/s.Shreemukh Properties Limited for construction of apartments. In the meanwhile, it appears, the respondents 4 to 8 filed an application before the Revenue Divisional Officer, Chevella Division, second respondent herein, under Section 10 of A.P. (Telangana Area) Abolition of Inams Act, 1955 (the Act, for brevity) and the second respondent passed orders on 27.1.2006 directing to register the names of the respondents 4 to 8 as occupants of the land. An Occupancy Rights Certificate (ORC) was also issued. After receiving the copy of the order, the petitioners filed appeal under Section 24 of the Act before the Joint Collector, Ranga Reddy District, first respondent herein, and also prayed for interim stay, in vain. Thereafter, the petitioners statedly filed a suit being O.S.No.3097 of 2005 on the file of the Court of the Principal Junior Civil Judge, Ranga Reddy District and obtained *ad interim* injunction order in I.A.No.5834 of 2005 on 24.12.2005, which admittedly is still in force. However, the petitioners again filed the present writ petition assailing the proceedings of the second respondent dated 27.1.2006 whereby and whereunder the respondents 4 to 8 were issued ORC.

Learned Counsel for the petitioners as well as learned Counsel for opposite parties made elaborate submissions. However, having

regard to the settled position of law that at the instance of a person, who has already availed alternative remedy under the statute, writ petition would not lie, this Court is not inclined to go into merits of the case. As the petitioners have already availed the remedy by filing appeal before the first respondent, it would be in the interest of justice, if a direction is issued to the first respondent to dispose of the appeal filed by the petitioners within a period of six weeks from the date of receipt of a copy of this order. Learned Counsel for the petitioners and learned Counsel for respondents 4 to 8 undertake that they would cooperate with the Joint Collector, Ranga Reddy District, for disposal of the appeal.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

August 09, 2006

NOTE

Issue order copy by
14.8.2006.
(By order)
YS